

REMARKS / DISCUSSION OF ISSUES

Claims 1-22 are pending in the application.

The Office action rejects claims 1-4, 7, 9-11, 13, 15, and 17-10 under 35 U.S.C. 102(b) over Okajima (USP 6,072,276). The applicants respectfully traverse this rejection.

"A rejection under U.S.C. 102(b) is proper only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim." **MPEP 2131**. "There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." **BPAI Opinion No. 2005-2289, October 2005**.

Okajima fails to teach a powder layer between the electrode arrays on a front plate and on a carrier plate having a dielectric constant that is substantially less than the dielectric constant of a dielectric layer on the front plate, thereby reducing a discharge capacitance of the plasma cells, as specifically claimed in each of the applicants' independent claims 1 and 11.

The Office action asserts that Okajima's black matrix layer 30 corresponds to the applicants' claimed powder layer, and that insulating layers 28 or 29 correspond to the applicants' claimed dielectric layer. The applicants respectfully disagree with this assertion.

Okajima's black matrix layer is purposely positioned outside each of the plasma regions, to improve the display contrast by preventing light from escaping from the partitions between the plasma regions. The applicants respectfully maintain that Okajima's black matrix layer is not placed between Okajima's electrodes 2 and 9 on the front and carrier plates, as required by claims 1 and 14.

Additionally, the applicants respectfully maintain that the black matrix layer, being outside each plasma region cannot affect the discharge capacitance of the plasma cell, as claimed in claim 1, and cannot affect the capacitance between the electrodes, as claimed in claim 11.

Further, the Office action asserts that the dielectric constant of the black matrix layer 30 is substantially less than the dielectric constant of the layers 28 or 29, but fails to provide support for this assertion. The Office action notes that the dielectric constant of chromium, which Okajima teaches can be used for the black matrix layer, is in the order of 8-12, but fails to identify where Okajima teaches a dielectric constant for the layers 28 and 29, and thus fails to show that the dielectric constant of these dielectric layers is substantially higher than the noted dielectric constant of the black matrix layer of 8-12. The applicants note that Okajima teaches that the layers 28 and 29 are preferably formed from glass having a low melting point. The applicants also note that glass has a dielectric constant in the order of 3.7-10, which is clearly not substantially greater than 8-12, as asserted in the Office action.

Because Okajima fails to teach each of the elements of the applicants' independent claims 1 and 11, the applicants respectfully request that the rejection of claims 1-4, 7, 9-11, 13, 15, and 17-10 under 35 U.S.C. 102(b) over Okajima be withdrawn.

The Office action rejects:

claim 5 under 35 U.S.C. 103(a) over Okajima and Takagi et al. (JP 2000-113824); and

claims 6, 8, 12, 16, and 21-22 under 35 U.S.C. 103(a) over Okajima and Konishi et al. (USP 5,957,743). The applicants respectfully traverse this rejection.

MPEP 2142 states:

"To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) ***must teach or suggest all the claim limitations***... If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness."

Each of these rejected claims are dependent upon either claim 1 or claim 11. In each of these rejections, the Office action relies upon Okajima for teaching the elements of claim 1 and/or claim 11.

As noted above, Okajima fails to teach each of the elements of claims 1 and 11. Accordingly, the applicants respectfully maintain that these rejections under 35 U.S.C. 103(a) that rely on Okajima for teaching the elements of claims 1 and 11 are unfounded and should be withdrawn.

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

/Robert M. McDermott/
Robert M. McDermott, Esq.
Reg. 41,508
804-493-0707

Please direct all correspondence to:

Corporate Counsel
U.S. PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001